

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION**

TOMMY’S CASTAIC, LLC, et al.,)	
)	
<i>Plaintiffs,</i>)	CASE NO. 3:24-cv-00166-KAC-JEM
)	
v.)	District Judge:
)	The Honorable Katherine A. Crytzer
MALIBU BOATS, INC., et al.,)	
)	Magistrate Judge:
<i>Defendants.</i>)	The Honorable Jill E. McCook

NOTICE AND CERTIFICATION REGARDING MEET AND CONFER

Defendants Malibu Boats, Inc. and Malibu Boats, LLC (“Defendants”), by and through counsel, hereby provides this Certification further to Defendants’ Notice Regarding Motion to Dismiss, filed on June 25, 2024 (“Notice”) [Doc. 37].

As background, On June 14, 2024, the United States Bankruptcy Court for the Northern District of Texas entered an order directing the United States Trustee to appoint a Chapter 11 Trustee for the plaintiffs’ bankruptcy estates. On June 17, 2024, the United States Trustee appointed Mark Andrews as Chapter 11 Trustee (the “Trustee”). On June 25, 2024, as stated in the Notice, Defendants’ counsel contacted counsel-of-record for plaintiffs to schedule a meet-and-confer concerning Defendants’ motion to dismiss. On June 26, 2024, Defendants’ counsel participated in a telephone conference with Aaron Kaufman of Gray Reed LLP, counsel for the Chapter 11 Trustee. Plaintiffs’ counsel-of-record also attended the call. Mr. Kaufman advised that in order to proceed with a meet-and-confer concerning the motion to dismiss, the Trustee would first need to retain litigation counsel to advise the trustee in this matter.

In a follow-up call with Mr. Kaufman on June 27, 2024, Mr. Kaufman confirmed that the Trustee was currently not in a position to meet and confer, and Defendants' counsel agreed with the Trustees' counsel that the parties should revisit the meet-and-confer once the Trustee has been able to retain litigation counsel.

Date: July 3, 2024

Respectfully submitted,

**PAINE, BICKERS, ELDER,
KING & WILLIAMS, LLP**

s/ Taylor A. Williams

Taylor A. Williams (BPR #028172)
900 South Gay Street, Suite 2200
Knoxville, Tennessee 37902-1821
865.525.0880 (phone)
865.521.7441 (fax)
twilliams@painebickers.com

and

COOLEY LLP

Ian R. Shapiro
55 Hudson Yards
New York, NY 10001
212.479.6000 (phone)
212.479.6275 (fax)
ishapiro@cooley.com

Attorneys for Defendants

Malibu Boats, Inc. and Malibu Boats, LLC

CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2024, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

/s/ Taylor A. Williams
Taylor A. Williams (BPR #028172)